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**IN THE CLAIMS:**

Please amend the claims as follows.

1. (CURRENTLY AMENDED) A method for making a preoxidized active nickel material for a positive electrode comprising the steps of:

reacting nickel sulfate with a second reactant in the presence of an oxidizing agent to form preoxidized active nickel material particles which comprise nickel hydroxide material and nickel oxyhydroxide material.

2-29. (Cancelled)

30. (Previously Presented) The method of claim 1, wherein at least 1% of the nickel material is oxidized.

31. (Previously Presented) The method of claim 1, wherein between 3% and 70% of the nickel material is oxidized.

32. (Previously Presented) The method of claim 1, wherein between 20% and 60% of the nickel material is oxidized.

33. (Previously Presented) The method of claim 1, wherein the nickel material comprises Ni with a +3 state of charge.

34. (Previously Presented) The method of claim 1, wherein said reacting step includes the steps of:

providing an active nickel material seed with a first degree of oxidation and growing a second active nickel material about the seed, the second active material about the seed having a second degree of oxidation.

35. (CANCELLED)

36. (Previously Presented) The method of claim 1, wherein the oxidizing agent comprises at least one of a chlorate, a perchlorate, a hypochlorate, a hypochlorite, a peroxide, a permanganates, or a nitrate.

37. (Previously Presented) The method of claim 1, wherein the oxidizing agent comprises sodium hypochlorate.

38. (Previously Presented) The method of claim 1, wherein said reacting step includes the steps of:

combining a metal ion solution, ammonium solution, a metal hydroxide and an oxidant in a reactor to precipitate the active nickel material particles.

39. (Previously Presented) The method of claim 38 wherein the metal ion solution is a metal sulfate solution.

40. (Previously Presented) The method of claim 38 wherein the metal ion solution includes one or more feed streams formulated to produce active nickel material with a base metal composition consisting essentially of Ni Co, Ni Co Zn, Ni Co Zn Mg, Ni Co Zn Mg Ca, and Ni Co Zn Mg Ca Cu.

41. (Previously Presented) The method of claim 1 wherein the active nickel material has a base metal composition consisting essentially of Ni Co, Ni Co Zn, Ni Co Zn Mg, Ni Co Zn Mg Ca, or Ni Co Zn Mg Ca Cu.

42. (Canceled)

43. (Previously Presented) The method of claim 1 wherein the active nickel material particles include particles that are substantially spherical.

44. (Previously Presented) The method of claim 1 wherein said method produces preoxidized active nickel material with an apparent density of 1.4 1.7 g/cm<sup>3</sup>, a tap density of about 1.8 2.3 g/cm<sup>3</sup> and an average size range of about 5 50  $\mu$ m.

45. (Previously Presented) The method of claim 1 wherein the active nickel material is formed with cobalt hydroxide and cobalt oxyhydroxide.

46. (Previously Presented) The method of claim 1 wherein the active nickel material is provided with a surface that is less than 98% oxidized.

47. (Previously Presented) The method of claim 1 wherein the active nickel material is provided with a surface that is 5% to 75% non oxidized and the remaining portion that is oxidized.

48 - 56 (Cancelled)

57. (New) A method for making a preoxidized active nickel material for a positive electrode comprising the steps of:

reacting nickel sulfate with a second reactant in the presence of an oxidizing agent to form preoxidized active nickel material particles,

wherein said reacting step includes providing an active nickel material seed with a first degree of oxidation and growing a second active nickel material about the seed, the second active material about the seed having a second degree of oxidation.

58. (New) A method for making a preoxidized active nickel material for a positive electrode comprising the steps of:

reacting nickel sulfate with a second reactant in the presence of an oxidizing agent which comprises sodium hypochlorate to form preoxidized active nickel material particles.

59. (New) A method for making a preoxidized active nickel material for a positive electrode comprising the steps of:

reacting nickel sulfate with a second reactant in the presence of an oxidizing agent to form preoxidized active nickel material particles;

wherein said active nickel material is formed with cobalt hydroxide and cobalt oxyhydroxide.